

FILED

1 Jose Castro  
2 11591 Dale Street  
3 Garden Grove, CA 92841  
4 Phone: 714-260-1745

5 Defendant, Pro Se

2012 DEC 13 PM 3:43  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

6  
7 IN THE UNITED STATES DISTRICT COURT  
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9 CENTRAL DISTRICT OF CALIFORNIA

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12 Jose Castro,

13 Plaintiff,

14 v.

15 Unifund CCR Partners,

16 Defendant.

**SACV 12-02163 AG (ANX)**

CASE NO.:

**VIOLATION OF FDCPA COMPLAINT.**

**DEMAND FOR JURY TRIAL.**

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22 **COMPLAINT**

23 Plaintiff, Jose Castro, individually, hereby sues Defendant, Unifund CCR  
24 Partners et al, for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. §  
25 1692(e)(2), 1692f, 1692(f)(1) and 15 U.S.C. §2042g(b).  
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28 **PRELIMINARY STATEMENT**

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692f, Fair Debt Collection Practices Act (FDCPA) 15 USC § 1692f(1) and 15 U.S.C. § 2042g(b).

2. Upon belief and information, Plaintiff contends that many of these practices are widespread for some or all of the Defendant. Plaintiff intends to propound discovery to Defendant identifying these other individuals who have suffered similar violations.

3. Plaintiff contends that the Defendant have violated such laws by repeatedly harassing Plaintiff in attempts to collect an alleged debt which does not belong to Plaintiff.

## JURISDICTION AND VENUE

4. Jurisdiction of this Court arises under 15 U.S.C. §1681p and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367.

5. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendant transact business here, and the conduct complained of occurred here.

## PARTIES

6. Plaintiff, Jose Castro, is a natural person and is a resident of the State of California.

7. Upon information and belief Defendant, Unifund CCR Partners, is a debt collector not authorized to do business in California.

**FACTUAL ALLEGATIONS**

1. On reviewing the state court public record, Plaintiff discovered that Defendant, maliciously prosecuted Plaintiff in collecting a debt which does not exist.
2. On or about October 25<sup>th</sup>, 2012, Plaintiff sent a Request for Validation of Debt to Defendant, allowing Defendant an opportunity to cure. However, Plaintiff has not received any reply from Defendant.
3. Defendant never lent any money to Plaintiff and Plaintiff believes there is no evidence to the contrary.
4. Plaintiff never signed a Note or Contract, exhibiting all the necessary requirements of a contract by operation of law for the debt allegedly owed to the Defendant and Plaintiff believes there is no evidence to the contrary.
5. Defendant have failed to disclose origin of any loan or money lent and Plaintiff believes there is no evidence to the contrary.
6. Defendant have failed to disclose history or provenance of any loan or money lent and Plaintiff believes there is no evidence to the contrary.
7. Defendant have never produced evidence that they loaned United States Dollars as required by Federal Law and United States Treasury Regulations. This failure or omission or even negligent behavior is an illegal act, **a felony**. Plaintiff never saw any money and is unaware of any contract for loan proceeds that exists between Plaintiff and Defendant and Plaintiff believes there is no evidence to the contrary.

**COUNT I**

**VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA),**

**15 U.S.C. §1692 BY UNIFUND CCR PARTNERS**

8. Plaintiff alleges and incorporates the information in paragraphs above.

9. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C. §1692a(3)

10. Defendant is debt collector within the meaning of the FDCPA, 15 U.S.C.

§1692a(6).

11. Defendant violated the FDCPA. Defendant' violations include, but are not limited to, the following:

(a) Defendant violated 15 U.S.C. §1692e(2) by falsifying the character, amount and legal status of the alleged debt.

(b) Defendant violated 15 U.S.C. §1692f by conducting an unfair and unconscionable means to collect or attempt to collect the alleged debt that does not belong to consumer. Thereby Defendant defrauded the court and Plaintiff.

(c) Defendant violated 15 U.S.C. §1692f(1) by the collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

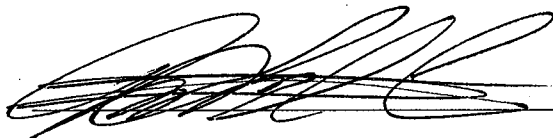
(d) Defendant continued collection activity after receiving notice of dispute, and failed to provide written validation of debt before resuming collection activities, in violation of 15 U.S.C. §2042g(b).

1       **WHEREFORE**, Plaintiff demands judgment for damages against each Defendant, for  
2 statutory damages, punitive damages, actual damages that would include any adverse ruling in  
3 state court, and attorney's fees and costs, pursuant to 15 U.S.C. § 1692.  
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7                   **DEMAND FOR JURY TRIAL**

8       Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

9       Respectfully submitted this on the 13<sup>th</sup> day of December, 2012.  
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